

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

FRED LEICHT

Case No. 1:00-cv-00853-SJD

v.

Judge Susan J. Dlott

**AUTOZONE, INC. and
AUTOZONE STORES, INC.**

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff, Fred Leicht, individually and on behalf of the class he represents, and Defendant, AutoZone, Inc., both appearing herein through undersigned counsel, respectfully move the Court to enter a final order of dismissal, with prejudice, with respect to all claims and demands set forth in this matter for the following reasons:

1. On October 10, 2002, the Court certified a class action on behalf of a class consisting of all persons who were employed by AutoZone, Inc. at Store 705 in Hamilton County, Ohio during the period beginning October 10, 1997 and ending June 30, 2000, whose employee time records were altered and who were paid on an hourly basis.

2. The Court thereafter approved a settlement of this matter as to all claims of Plaintiff Leicht and the Class and, following notice to the Class, held a Fairness Hearing on June 6, 2005, to determine whether class certification was proper and whether the settlement agreement was fair, adequate, and reasonable and should be approved by the Court.

3. No objection to the proposed settlement was made by any class members and the Court entered an Order granting final approval to the settlement on July 29, 2005.

4. The parties have carried out all of the conditions and requirements of the settlement agreement, and this matter is now ripe for final dismissal.

WHEREFORE, the parties pray that this Motion be granted as set forth above.

Respectfully Submitted:

/s/Mark W. Napier

Mark W. Napier
Freking & Betz
215 East Ninth Street, 5th Floor
Cincinnati, OH 45202
Tel.: 513-721-1975
Email: Mnapier@frekingandbetz.com
ATTORNEY FOR PLAINTIFFS

/s/Marc S. Blubaugh

Marc S. Blubaugh
Benesch, Friedlander, Coplan & Aronoff, LLP
88 E. Broad Street, Suite 900
Columbus, OH 43215-3506
Tel.: 614-223-9300
ATTORNEY FOR AUTOZONE, INC.

/s/ Walter W. Christy

Walter W. Christy
Frilot Partridge, L.L.C.
1100 Poydras Street
3600 Energy Centre
New Orleans, LA 70163
Tel.: 504-599-8201
Email: WChristy@frilotpartridge.com
ATTORNEY FOR AUTOZONE, INC.

